

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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P-I

FILE: B-218012.2

DATE: February 7, 1985

MATTER OF: G&B Chemical Corporation--Request for
Reconsideration

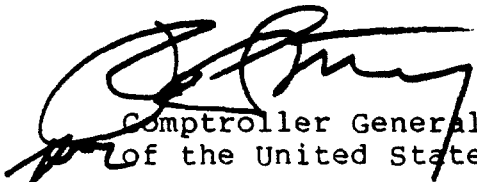
DIGEST:

While protester requests reconsideration of dismissal because it argues that protest was timely filed, protest was dismissed because challenges to the status of a firm as a regular dealer or manufacturer under the Walsh-Healey Act are for review by the contracting agency, the Small Business Administration, and the Department of Labor, not GAO.

G&B Chemical Corporation (G&B) requests reconsideration of our dismissal of its protest, B-218012, dated January 16, 1985, against the Department of the Army's rejection of its bid because G&B did not meet the Walsh-Healey Act, 41 U.S.C. § 35-45 (1982), eligibility requirements under solicitation No. DAAA31-85-R-0003.

We affirm our dismissal.

In its request for reconsideration, G&B argues that we should not have dismissed its protest as untimely. However, we did not dismiss the protest on the basis of timeliness, but because our Office does not consider the legal status of a firm as a regular dealer or a manufacturer within the meaning of the Walsh-Healey Act. See 49 Fed. Reg. 49417, 49,421 (1984) (to be codified at 4 C.F.R. § 21.3(f)(11)). By law, this matter is to be determined by the contracting agency in the first instance, subject to review by the Small Business Administration (if a small business is involved) and the Secretary of Labor. Janke and Company, Inc., B-216055, Aug. 22, 1984, 84-2 C.P.D. ¶ 218.


Comptroller General
of the United States

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